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TAGS: [UNSC](#) [PREL](#) [PGOV](#) [UNMIK](#) [KO](#) [YI](#)  
SUBJECT: KOSOVO: RESPONSE TO UNSYG ON UNMIK TRANSITION

REF: USUN 429

Classified By: IO PDAS James Warlick for reasons 1.4(b) and (d).

¶1. (C) This is an action request for a demarche to UN SYG Ban Ki-moon in response to reftel request for guidance. See paragraphs 4 and 5.

¶2. (C) The objective of this demarche is to underscore to UNSYG that the Quint is unified in its position that UNMIK must reconfigure after June 15, that the UN must not hold non-transparent, substantive negotiations with Belgrade, and that the UN should work immediately with Brussels on a policy framework for transition in Kosovo's rule of law sector.

¶3. (C) Background: Phase out of UNMIK and ramp-up of the EU Rule of Law Mission (EULEX) is hampered by Secretariat confusion and UNSYG Ban's hesitancy vis--vis Russia and Serbia. New York officials report inaccurately to Ban that the Quint is divided on this transition. Quint Balkan Directors provided our views to DPKO on May 2 and the Quint provided DPKO U/S Guehenno with a non-paper on this issue on May 7. On May 9 Quint Political Directors reiterated their position to U/S Guehenno. The Quint has made clear that UNMIK administration of Kosovo must end June 15 when Kosovo's new constitution comes into force. Quint also made clear that the UN should not be renegotiating aspects of the Ahtisaari Plan with Belgrade. Quint and Kosovo must be involved in consideration of any changes. DPKO promised to begin discussions with the EU and NATO on this security arrangement, and we understand that these institutions have begun discussions on the ground in Kosovo and will meet at senior level next week in Vienna. Ban's insistence, however, that he must have Russian and Serb buy-in for this transition is unrealistic.

¶4. (C) The United States along with other members of the Quint are not rigid on provisions of the Ahtisaari Plan. We have already made adjustments to the Plan to take into account changed circumstances surrounding Kosovo's independence and will continue to do so. That said, the Quint cannot support the negotiations DPKO planned to launch with Belgrade, which radically changed provisions of the plan without consultations with the Kosovar leaders or major stakeholders. DPKO's proposals would have created a separate police force and courts for all Serb areas; the UN itself has worked hard over the last nine years to build multi-ethnic institutions in Kosovo. To reverse this achievement now would go against the principles that guided the international community since UNSCR 1244 was adopted in 1999. DPKO proposals would lead to ethnic partition of Kosovo and cause greater instability.

¶4. (C) USUN may draw on the following points to respond to Ban's reftel suggestion that the USG sit down with the Secretariat to "draft a common understanding of the details of the fade in/fade out process, drawing from relevant Quint and UN papers."

--- We appreciate your offer to continue to discuss with U.S. representatives the way forward on UNMIK transition in

Kosovo. We have outlined our common position with France, Germany, Italy, the United Kingdom, EU Council and NATO Secretariat in the non-paper given to U/S Guehenno on May 7.

--- This non-paper outlines political/administrative measures that UNMIK should take to reduce its presence in a reconfiguration. The key element is that UNMIK should no longer govern Kosovo after June 15 when Kosovo's constitution comes into effect. The paper also provides a framework for EU deployment. Specifics of the EU deployment, EU-UN cooperation and EU relations to the UN remain to be worked out.

--- It is vital that any discussion of this issue involve all key stakeholders that are contributing to stability on the ground in Kosovo. The EU and NATO, in particular, must be involved. The United States cannot work out plans for a transition with the UN alone.

--- We are grateful that you have authorized technical discussions to begin on the ground among the UN, EU and NATO. We also understand that a meeting of senior officials will take place next week in Vienna to discuss the issue further.

--- We urge that the UN move forward expeditiously to begin policy-level negotiations with us, the EU and NATO on all transition and reconfiguration issues, including EULEX, based on our non-paper.

--- We understand your desire to achieve Russian and particularly Serb support for any reconfiguration. But we stress that the details must be worked out first with the US, France, Italy, Germany, United Kingdom, EU and NATO since these stakeholders will be responsible for security in Kosovo and further Kosovo's development.

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